

Appln No. 09/693,647
Amdt. Dated February 17, 2005
Response to Office action of January 10, 2005

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REMARKS/ARGUMENTS

Claims

The Examiner has rejected all claims 1-34. By this amendment independent claims 1, 4, 5, 20, 22, 23, 24 and 25 have been amended, and claims 14 and 32 have been cancelled. Therefore, claims 1-13, 15-31 and 33-34 remain pending in the application.

In addition to the amendment in response to the outstanding rejections, claim 5 has been amended to correct an obvious typographical error by replacing "readingusing" with "reading". Further claims 22 and 25 have also been amended to correct obvious typographical errors by deleting a redundant recitation of "the sensing device".

Claims Rejections – 35 U.S.C. § 102

Claims 1-13, 15, 17-31 and 33-34 were rejected under 35 U.S.C. § 102 as anticipated by Graf (USPN: 5,631,984). In view of the amendments the rejection is respectfully traversed.

The Examiner has asserted that Graf discloses scanning a check including coded data in the form of magnetic ink character recognition (MICR). The Examiner cited Graf as disclosing "the technique of a typical bank check 10 included printed coded data of magnetic ink character recognition 16 (see col. 4, lines 2-14 and see Fig. 1), the check 10 may be scanned utilizing a scanner 35 in the manner well known in the art to produce an original full check image 40 which includes the identified static and dynamic portions (see col. 5, lines 5-8 and see Fig. 1), generating dynamic portion such as handwritten of Dan Mayer (see col. 4, lines 8-9 and see Fig. 1), and identified the location of a number of dynamic fields such as payee 22, a legal amount 24, a date 26, a courtesy amount 28 and a marker signature 30 (see col. 4, lines 23-26)...".

However, to read the MICR as taught by Graf the check must be scanned, encoded, located, and read (column 5, lines 18-20 of Graf). Not until after the MICR is read can the issuing bank, the account number and the check number be identified (column 5, lines 19-20). It should be noted, regardless of whether the MICR is read using a magnetic ink reader or using optical character recognition, the MICR code is used to identify a particular preprinted check form and thus serves as a document identifier (column 5, lines 28-30 of Graf). Therefore, according to Graf the association of the MICR with the layout of the check is not made until the MICR is read. Graf does not associate the MICR and other components of the check layout at the time of printing.

In contrast to Graf, the computer system of the present invention at the time of printing associates the type and spatial extent of each reference point of the invisible coded data with the spatial extent of at least some of the visible graphic data.

To clarify that distinction between Graf and the present invention, all independent claims have been amended to recite "*wherein at a time of printing the computer system associates a type and spatial extent of each reference point of the invisible coded data with a spatial extent of at least some of the visible graphic data*".

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Support for the above limitation is found in the specification as originally filed at page 13, lines 11-17: "*The netpage consists of graphic data 2 printed using visible ink, and coded data 3 printed as a collection of tags 4 using invisible ink. The corresponding page description 5, stored on the netpage network, describes the individual elements of the netpage. In particular it describes the type and spatial extent (zone) of each interactive element (i.e. text field or button in the example), to allow the netpage system to correctly interpret input via the netpage. The submit button 6, for example, has a zone 7 which corresponds to the spatial extent of the corresponding graphic 8.*"

Thus it is clear that according to the present invention, at the time of printing the computer system associates the type and spatial extent of each reference point of the invisible coded data with the spatial extent of at least some of the visible graphic data.

The applicant takes this opportunity to remind the Examiner that an *in haec verba* recitation of the claim language in the specification is not required to satisfy the written description requirement. See, e.g., MPEP 1302.01: "It should be noted, however, that exact terms need not be used *in haec verba* to satisfy the written description requirement of the first paragraph of 35 U.S.C. 112. *Eiselstein v. Frank*, 52 F.3d 1035, 1038, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995); *In re Wertheim*, 541 F.2d 257, 265, 191 USPQ 90, 98 (CCPA 1976). See also 37 CFR 1.121(e) which merely requires *substantial* correspondence between the language of the claims and the language of the specification." See also MPEP 2163.07: "Mere rephrasing of a passage does not constitute new matter. Accordingly, a rewording of a passage where the same meaning remains intact is permissible. *In re Anderson*, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973)."

The above distinction between the claimed invention, as amended, and Graf generates the advantage of allowing all three of: 1) the invisible coded data printed on the control interface; 2) the associated visual graphic data printed on the control interface; and 3) the sensing device; to cooperate as user interactive elements for an appropriate response to be generated in the computer system (see, e.g., page 22, lines 13-17 of the subject specification as filed).

In addition to failing to teach an association of coded and graphic data at the time of printing, Graf also fails to teach or suggest invisible coded data. To clarify that distinction over Graf the claims of the present application have been amended to recite "*the control interface including invisible coded data and visible graphic data printed substantially simultaneously thereon by a same printer*".

The amendment to include "*visible graphic data*" is supported in the specification as originally filed at, for example, page 6, lines 18-21: "*The device control may also include visible material which provides information to a user, such as the application or purpose of the device control, and which visible information may be registered or correlate in position with the relevant hidden coded data*" (emphasis added); and page 13, lines 11-12: "*The netpage consists of graphic data 2 printed using visible ink, and coded data 3 printed as a collection of tags 4 using invisible ink.*" (emphasis added)

The amendment to include "*invisible coded data*" is supported in the specification as originally filed at, for example, page 12, lines 28-30: "*Information is encoded on each page using ink which is substantially invisible to the unaided human eye.*" (emphasis added)

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The amendment to include "*printed substantially simultaneously thereon by a same printer*" is supported in the specification as originally filed at, for example, page 7, lines 12-18. "*The system and method also preferably employs specially designed printers to print the control devices... the printers are fully integrated into the network and allow for printing of the interactive forms on demand....*" and page 12, lines 26-31: "*In its preferred form, the netpage system relies on the production of, and human interaction with, netpages. These are pages of text, graphics and images printed on ordinary paper or other media, but which work like interactive web pages. Information is encoded on each page using ink which is substantially invisible to the unaided human eye. The ink, however, and thereby the coded data, can be sensed by an optically imaging pen and transmitted to the netpage system*" Then on page 14, lines 1-2, it states "*Netpages printed at their point of consumption combine the ease-of-use of paper with the timeliness and interactivity of an interactive medium.*"

Thus it is clear that according to the present invention a single netpage printer is used to print both the visible graphic data and the invisible coded data and that the printing of the visible graphic data and the invisible coded data is performed substantially simultaneously.

Graf does not teach or suggest the claimed invention, as amended, or the advantages thereof. The differences between Graf and the claimed invention, as amended, are important differences generating the advantages discussed above, and further, these differences are recited in the amended claims.

Claim Rejections – 35 USC §103

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Graf in view of Tseng et al. (USPN: 6,119,159) (hereinafter Tseng).

Applicant respectfully asserts that the rejection is now moot in light of the above-described amendments distinguishing the independent claims from Graf. Tseng does not disclose, teach or suggest at a time of printing a computer system associates type and spatial extent of each reference point of the invisible coded data with spatial extent of at least some of the visible graphic data.

Claims 14 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Graf in view of Interval Research Corporation (WO 99/18487).

Applicant respectfully asserts that the rejection is now moot in light of the above-described amendments distinguishing the independent claims from Graf. Interval Research Corporation does not disclose, teach or suggest at a time of printing a computer system associates type and spatial extent of each reference point of the invisible coded data with spatial extent of at least some of the visible graphic data.

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Conclusion

It is respectfully submitted that all of the Examiner's rejections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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